

PUBLIC SUBMISSION

As of: October 12, 2010

Received: October 05, 2010

Status: Posted

Posted: October 06, 2010

Tracking No. 80b689c5

Comments Due: November 08, 2010

Submission Type: Web

Docket: EPA-R03-OW-2010-0736

Draft Chesapeake Bay Total Maximum Daily Load

Comment On: EPA-R03-OW-2010-0736-0001

Clean Water Act Section 303(d): Notice for the Public Review of the Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay

Document: EPA-R03-OW-2010-0736-0039

Comment submitted by J. Austin

Submitter Information

Submitter's Representative: John Austin

General Comment

I am very disappointed in the proposed plan, as it fails to achieve the TMDLs.

The plan and the current Inland Bays PCS share many of the same failings. Specifically, the PCS needs to restrict wastewater to advance treatment facilities that can achieve significantly more N & P removal, that 5.0 mg/L TN and 3.9 mg/L TP. My analysis indicates <2.0 mg/L TN & <0.03 mg/L TP are needed. At the levels of the current PCS, TMDLs can never be attained. Growth, allowed septic systems, and even new facilities with 5.0 mg/L TN & 0.5 mg/L TP simply prohibit TMDL attainment, because the loads are too great.

In order for there to be attainment, future growth must be directed to areas served by advanced wastewater treatment with N & P removal. Areas that cannot be served by regional facilities must either treat to the same levels as the advanced systems or meet the levels through dilution/attenuation by the time the effluent reaches the property

boundary. This would result in down zoning areas not planned to be served from one home per 1/2 acre to one home per 50-100 acres or less in limited growth areas.

EPA needs to take responsibility to insure that the Chesapeake Bay and Inland Bay TMDLs are attained and that realistic plans are put in place. DNREC has failed to hold Sussex County accountable for its lack of land use planning. Now, EPA must act to hold both Sussex County and the State of Delaware accountable through the withholding of federal funding until achievable plans are put into place.